

EXHIBIT 4



KENTUCKIANA
— COURT REPORTERS —

CASE NO. 20-CV-04768

JAMES FLETCHER JR.

V.

JEROME BOGUCKI, ET AL.

**DEPONENT:
JAMES GILGER**

**DATE:
March 14, 2023**



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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION
4 JUDGE ANDREA WOOD
5 MAGISTRATE JUDGE MARIA VALDEZ
6 CASE NO. 20-CV-04768
7

8 JAMES FLETCHER JR.,
9 Plaintiff
10

11 V.
12

13 JEROME BOGUCKI, ANTHONY
14 NORADIN, RAYMOND SCHALK,
15 ANTHONY WOJCIK, UNKNOWN CITY
16 OF CHICAGO POLICE OFFICERS, AND THE
17 CITY OF CHICAGO,
18 Defendants.
19
20
21
22

23 DEPONENT: JAMES GILGER

24 DATE: MARCH 14, 2023

25 REPORTER: KORTNEY CHASE

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(Appeared via videoconference)

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(Appeared via videoconference)

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1 - Supplementary Report from December 21, 1990

- CITY- JF-000203-000207

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2 - Supplementary Report from December 22, 1990

- CITY- JF-000208-000209

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3 - General Progress Report from March 19, 1995

- CITY- JF-000052

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4 - Evidence Report - CITY-JF-0000 63

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5 - James Gilger's Report - CITY-JF-000064-000065

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6 - Line Up Photos - IND DEF 000936

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DEFENDANT'S EXHIBITS

1 - Defendant's Exhibit 1 - Original Case Report -

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STIPULATION

The VIDEO deposition of JAMES GILGER was taken at KENTUCKIANA COURT REPORTERS, 110 NORTH WACKER DRIVE, SUITE 2500, CHICAGO, ILLINOIS 60606, via videoconference in which all participants attended remotely, on TUESDAY, the 14TH day of MARCH 2023 at 12:00 p.m. (CT); said VIDEO deposition was taken pursuant to the FEDERAL Rules of Civil Procedure. The oath in this matter was sworn remotely pursuant to FRCP 30.

It is agreed that KORTNEY CHASE, being a Notary Public and Court Reporter for the State of ILLINOIS, may swear the witness.

PROCEEDINGS

THE REPORTER: We are now on the record. My name is Kortney Chase. I'm the online video technician and court reporter today representing Kentuckiana Court Reporters, located at 110 North Wacker Drive, Chicago, Illinois 60606. Today is the 14th day of March 2023, and the time is 12:01 p.m. Central Time. We are convened by video conference to take the deposition of James Gilger in the matter of James Fletcher Jr. v. Jerome Bogucki, et al. pending in the United States District Court for the Northern District of Illinois Eastern Division, case number 20-CV-

04768.

Will everyone but the witness please state your appearance, how you are attending and location you are attending from, starting with Plaintiff's Counsel?

MS. GARCIA: This is Mariah Garcia for the plaintiff. I'm attending remotely. I'm in the Loevy offices in downtown Chicago.

MS. WEST: Allyson West on behalf of the individual defendant detectives and attending remotely in a suburb of Chicago.

MR. BORKAN: Dhaviella?

1 MS. HARRIS: Dhaviella -- oh, sorry. Dhaviella
2 Harris on behalf of the city, attending remotely
3 from Chicago.

4 MR. BORKAN: And Steve Borkan, attending
5 remotely from downtown Chicago.

6 THE REPORTER: Mr. Gilger, will you please
7 state your full name for the record?

8 THE WITNESS: James Gilger.

9 THE REPORTER: And do you -- all parties agree
10 that the witness is, in fact, James Gilger?

11 MS. GARCIA: Yeah. Plaintiff stipulates.

12 THE REPORTER: Okay.

13 MS. WEST: Agreed.

14 THE REPORTER: All right. Mr. Gilger, will you
15 please raise your right hand? Do you solemnly swear
16 or affirm that the testimony you're about to give
17 will be the truth, the whole truth, and nothing but
18 the truth?

19 THE WITNESS: I do.

20 THE REPORTER: Thank you. You may begin.

21 DIRECT EXAMINATION

22 BY MS. GARCIA:

23 Q. Hi, Mr. Gilger. And is that who you'd like to
24 be referred to as? Mr. Gilger or James?

25 A. Mr. Gilger's fine.

1 Q. Okay. My name is Mariah, and I'm an attorney
2 for the Plaintiff, James Fletcher. Mr. Gilger, have
3 you ever been deposed before?

4 A. Yes.

5 Q. How many times?

6 A. I think twice.

7 Q. Okay. And for those times you were deposed,
8 were you a party to the matter you're being deposed on
9 or were you a witness?

10 A. I was a witness both times.

11 Q. Okay. And did those depositions have to do
12 with police-related conduct or any -- something else?

13 A. Police related.

14 Q. Okay. And do you recall the outcomes of
15 either of the cases you were deposed on? You know,
16 whether that would be a settlement, or going to trial,
17 or anything like that?

18 A. It's been a while since it's been a -- my
19 deposition, so I -- I'm guessing here, but it could --
20 they could've been settled.

21 Q. Okay. Well, since it's been a while, I'm just
22 going to go over some ground rules, especially since
23 we're over Zoom. Because we're over Zoom and we have a
24 court reporter taking everything down, please be sure to
25 keep your answers verbal and audible. And by that, I

1 mean saying, "yes" or "no," or giving a full answer, not
2 just like shaking or nodding your head, okay?

3 A. I understand.

4 Q. If there's a question you don't understand,
5 please let me know and I'll rephrase it. Otherwise, I'm
6 going to assume that you understand what I'm asking you,
7 okay?

8 A. Okay.

9 Q. I will let you give a full answer to whatever
10 question I have, but on the flip side, please also let
11 me finish whatever question that I am giving, okay?

12 A. Okay.

13 Q. Your attorney and the other attorneys on the
14 call may object, but after those objections are read
15 under the record, you can continue to answer unless your
16 attorney instructs you not to, okay?

17 A. I understand.

18 Q. All right. And I don't imagine this is going
19 to be a long deposition, but if there's any reason you
20 need to take a break, whether that's to go to the
21 bathroom or get some water, let me know. And as soon as
22 I'm done with a line of questioning, I will let you take
23 a break, okay?

24 A. Thank you.

25 Q. All right. So Mr. Gilger, are you currently

1 employed with the Chicago Police Department?

2 A. I am not.

3 Q. Okay. Were you employed with the Chicago
4 Police Department?

5 A. Yes.

6 Q. Okay. And -- sorry, my pen just went out.
7 When was the last time you were employed with the
8 Chicago Police Department?

9 A. I retired on February 1, 2016.

10 Q. Okay. And when did you start working at the
11 Chicago Police Department?

12 A. The 25th of January 1988.

13 Q. Okay. And with the understanding that you
14 probably held a lot of hats during that time period,
15 could you give me a brief overview of the positions or
16 roles you held within Chicago Police Department prior to
17 your retirement?

18 A. I was a patrolman in the 23rd District for six
19 months until December of 1988. And then I was
20 transferred to the Austin District where I spent the
21 next eight years until I was promoted to detective in
22 November of 1996.

23 Q. And as a detective -- actually, strike that.
24 As a patrolman, what were your roles and
25 responsibilities?

1 A. I should go back and say that for two years I
2 was a plain clothes officer in the Austin District, but
3 still a patrolman.

4 Q. Okay. And is there a difference between a
5 plain clothes officer and a non-plain clothes officer as
6 a patrolman?

7 A. Yeah. You were in a -- as a -- as a police
8 officer in a patrol car, you're in uniform.

9 Q. Okay.

10 A. If you're an off-duty -- I mean, not --
11 civilian dress officer, you drive around in an unmarked
12 car.

13 Q. Okay.

14 A. Police car.

15 Q. Okay. So there was three years within that
16 eight year span in Austin where you were plain clothes,
17 and then five years when you weren't, give or take?

18 A. Give or take. Yes.

19 Q. Okay. And then in '96, you said that you were
20 -- became a detective. Was that a promotion or was that
21 something you sought out and applied to?

22 A. It's a -- it's a promotion.

23 Q. Okay. And what's the process for being
24 promoted from a patrolman to a detective?

25 A. Well, you have to take a test for the -- for

1 the detective's exam, and I -- which I did, but I was
2 promoted on merit in November of 1996.

3 Q. Okay. And as a detective, were there -- did
4 you stay in -- actually, strike that. Were you within a
5 specific division as a detective or did you move from
6 division to division?

7 A. I was assigned to Area Five at Grand Central.

8 Q. And did you stay from -- at Area Five from, I
9 think you said '96 until 2016?

10 A. No, in -- in -- I think in March of 2012, they
11 closed Area Five and they transferred everybody to the
12 remaining detective divisions in the city. I was sent
13 to Area Three at Belmont and Western.

14 Q. And when you retired in 2016, how many areas
15 were there for detectives?

16 A. I -- I think there was just three.

17 Q. Okay. And do you recall what the geographic
18 location Area Five was located in, both in terms of
19 like, if there was a headquarters, and also your -- the
20 area you would've been assigned to do investigations in?

21 A. Well, the headquarters were at Grand Central
22 on the second floor above the 25th District Police
23 Station.

24 Q. Okay.

25 A. The geographic boundaries were Roosevelt Road

1 to the south, Austin Boulevard and Cumberland to the
2 west, and I think it was the Chicago River to the east.

3 Q. Okay. And as a detective, were there certain
4 areas that you specialized in?

5 A. No, I worked in the violent crime side.

6 Q. Okay. And what were the roles and
7 responsibilities you had as a violent crimes detective?

8 A. Investigate shootings, robberies, murder
9 investigations.

10 Q. Okay. When you're retired -- actually, strike
11 that. Since your retirement, have you held any other
12 employment?

13 A. No.

14 Q. Okay. Switch gears just a little bit. I know
15 that you're represented today by Mr. Borkan, and without
16 going into the substance of any conversations you had
17 with him, can you please tell me everything you did to
18 prepare for today's deposition?

19 A. I spoke to Steve Borkan on two separate
20 occasions, and he supplied me with a copy of the general
21 offense case report that I generated, and a partial
22 detective sup that was generated by some detective from
23 Area Five.

24 Q. Okay. So you spoke to him twice. Again,
25 without going into the substance of those conversations,

1 were those conversations in person or over the phone?

2 A. One was a -- a -- a Zoom call, like we're
3 doing today, and one was a phone call.

4 Q. And do you recall when that Zoom call
5 occurred?

6 A. I'm guessing about ten -- ten days ago, maybe
7 two weeks ago.

8 Q. Okay. And how long was that conversation?

9 A. I don't recall. Probably about an hour.

10 Q. Okay. And same question for the phone call.
11 When did that phone call occur?

12 A. Yesterday.

13 Q. And approximately how long was that phone
14 call?

15 A. Possibly 30 minutes.

16 Q. Okay. And then you said you received a copy
17 of a general offense case report and a detective
18 supplemental report, correct?

19 A. Well, it -- it's a general offense case report
20 generated by me, but there's only like one page of a
21 detective sup.

22 Q. Okay. Okay. That makes sense. And other
23 than that general offense case report and the
24 supplemental report, were there any of other documents
25 that you reviewed?

1 A. No.

2 Q. Okay. And approximately how long did you
3 spend reviewing these documents?

4 A. Since I received them?

5 Q. Yes.

6 A. I read it -- read over them numerous times. I
7 couldn't even tell you how many times.

8 Q. Okay. And could you approximate, if possible,
9 the length of time you spent reviewing them? Like one
10 hour, two hours? Less than that?

11 A. If you add up all the time, I reviewed them a
12 couple hours probably.

13 Q. Okay. We're here today about the conviction
14 of James Fletcher in the Willie Sorrell [sic] matter. So
15 my first question to that effect is, do you have an
16 independent recollection that is without, you know,
17 thinking towards the documents that you reviewed, of the
18 investigation into Willie Sorrell's death that occurred
19 on December 21, 1990?

20 A. I don't.

21 Q. Okay. And did your review of the documents
22 refresh your recollection at all as to specifically that
23 evening, December 21, 1990?

24 A. No, they didn't.

25 Q. Okay. Let me pull up what we'll name Exhibit

1 1. Mr. Gilger, can you see this on your screen?

2 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

3 A. Yes.

4 MS. GARCIA: Okay. For the record, this is a
5 supplemental report that is Bates stamped City-JF-
6 000203 to City-JF-000207.

7 BY MS. GARCIA:

8 Q. And Mr. Gilger, is this one of the documents
9 that you reviewed?

10 A. The -- the first page here where it says,
11 "Permanent Retention File," I've never seen that before.

12 Q. Okay. Have you seen the second page? And
13 I'll give you a moment to read over it.

14 A. No, the -- to help speed things up, I only saw
15 Page 3.

16 Q. Okay. So is this the page that you referred
17 to earlier as the page of the sup report that you had
18 reviewed?

19 A. That's correct.

20 Q. Okay. And was your testimony correct that you
21 -- after reviewing this and your other document, your
22 recollection was not refreshed as to the instances that
23 occurred on December 21, 1990?

24 A. It wasn't --

25 MR. BORKAN: Objection to form.

BY MS. GARCIA:

Q. Sorry. Did you say yes, Mr. Gilger?

A. I think my attorney just objected.

Q. Sure.

MR. BORKAN: Right. I said objection to form.

You can answer the question, Mr. Gilger.

THE WITNESS: Yeah, this is the only report
that I saw.

BY MS. GARCIA:

Q. Okay.

MR. BORKAN: That wasn't the questions.

BY MS. GARCIA:

Q. That's all right. So with the understanding
that you don't have a independent recollection, and this
does not refresh your recollection, I just wanted to ask
you a few questions about this document itself. So in
the middle of Page 3 where it says, "Personnel
assigned," do you see that?

A. Yeah.

Q. Okay.

A. Yes, I do.

Q. Okay. And one of the -- above your name, I
assume P.O. Gilger is referring to you, patrol officer
at that time?

A. That's correct.

1 Q. Okay. Above your name it says, "Sergeant
2 Kero," rather. Prior to December 21, 1990, had you
3 worked with Sergeant Kero?

4 A. Sergeant Kero was the -- one of the supervisor
5 on -- on our watch, yes.

6 Q. Okay. And as your supervisor, what sort of
7 instruction or supervision would he give you?

8 MR. BORKAN: Objection to form.

9 THE WITNESS: In this case, or in general?

10 BY MS. GARCIA:

11 Q. In general.

12 A. We're just assigned patrol duties, answer
13 calls that come within our -- our beat, and whenever
14 there are -- the radio dispatcher would inform us that
15 there's a call for us. So he's just a supervisor.

16 Q. Okay. And would he have any say as to who was
17 dispatched to investigate scenes, generally?

18 A. No. It's just a dispatcher would send a --
19 the car.

20 Q. Okay. And do you recall one way or another if
21 he was present when you were on the scene on December
22 21, 1990?

23 A. I don't remember anything about this case.

24 Q. Okay.

25 A. But his -- his name's listed there.

1 Q. Okay. When Sergeant Kero was assigned to
2 supervise a crime scene such as this, what instruction,
3 if any, would he give you as a patrol officer?

4 A. Well, he -- he would probably be assisting me.
5 And if there's any evidence at the scene, he's basically
6 just, maybe organizing crowd control. But basically
7 it's my investigation, the preliminary investigation
8 anyway.

9 Q. Okay. And below your name where it says,
10 "Personnel assigned," there's a "Det. Michael Fleming."
11 Do you see that?

12 A. I do.

13 Q. Prior to December 21, 1990, had you worked
14 with Detective Fleming?

15 A. I don't know a Detective Fleming.

16 Q. Okay. So it's fair to say you don't recall
17 working -- before or after?

18 A. No. I -- I never worked with him. No.

19 Q. Okay. The reason I'm asking is because in the
20 summary where -- of the history of the investigation, it
21 says three lines down, "R/Det spoke with P.O. Gilger the
22 paper car who gave the following information." So would
23 it be fair to say that, assuming Detective Fleming was
24 the reporting detective, you don't recall speaking with
25 him?

1 A. I don't.

2 Q. Okay. And in this context, what does, "The
3 paper car" mean?

4 A. It's the assigned patrol car.

5 Q. Okay. And in an investigation such as this
6 where there may have been eyewitnesses, as a patrol
7 officer, would it have been part of your
8 responsibilities to talk with those witnesses?

9 A. Yeah. If they were on the scene, yes.

10 Q. Okay. And throughout the rest of this file,
11 there's a number of witnesses. I'm just going to go
12 through them and see if you can recall talking to them
13 at all. On December 21, 1990, do you recall speaking
14 with Edward Cooper?

15 A. No.

16 Q. Okay. On December 21, 1990, do you recall
17 speaking with Sheene Friend?

18 A. No.

19 Q. On December 21, 1990, do you recall speaking
20 to Emmett Wade?

21 A. No.

22 Q. Okay. On December 21, 1990, do you recall
23 speaking to Terry Rogers?

24 A. No.

25 Q. Okay. On December 21, 1990, do you recall

1 speaking to any eyewitnesses?

2 A. I don't remember this case at all -- at all.

3 Q. Okay. I'm going to move on to Exhibit 2,
4 which is Bates City-JF-000208 to the Bates City-JF-
5 000209. Give me one moment to share my screen. Okay.
6 Mr. Gilger, I don't believe you reviewed this, but I
7 wanted to give you a moment to just read over it, if you
8 haven't.

9 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

10 A. Can you scroll all the way to the top, please?
11 BY MS. GARCIA:

12 Q. Yes.

13 A. You can start scrolling down now.

14 Q. Okay.

15 A. I've never seen this report before.

16 Q. Okay. And then there's a little bit more of
17 this report on Page 2. So if you could just review that
18 for me and let me know when you're done.

19 A. Could you scroll back up to the previous page?

20 Q. Yes.

21 A. Okay. You can scroll back down again.

22 Q. Okay.

23 A. Okay. Never seen this report before.

24 Q. Okay. And that answered my first question,
25 but my second question would be: Does this refresh your

1 recollection at all as to the arrest of Edward Cooper on
2 December 22, 1990?

3 A. I don't know who Edward Cooper is.

4 Q. Okay. And that presupposes my next question
5 is, which -- do you recall whether or not you assisted
6 Detective Fleming in arresting Mr. Cooper?

7 A. Like I said, I don't know who Edward Cooper
8 is, so I guess the answer is no.

9 Q. Okay. And let's move on to Exhibit 3.
10 Actually going back a bit, you said you don't recall
11 this investigation at all. Would it be fair to --
12 actually, strike that. That's a bad question. Do you
13 recall investigating or assisting at all in the
14 investigation of Willie Sorrell, or the prosecution of
15 James Fletcher?

16 A. No.

17 Q. Okay. I'm going to share what we'll call
18 Exhibit 3. And this is City-JF-00052. Mr. Gilger, can
19 you see that?

20 (EXHIBIT 3 MARKED FOR IDENTIFICATION)

21 A. Yes, I can.

22 BY MS. GARCIA:

23 Q. All right. I'm going to give you a moment to
24 review this, and please let me know when you are done.

25 A. Okay. Another report I've never seen before.

1 Q. Okay. And similarly, did Detective Bogucki or
2 Schalk reach out to you in March of 1990 regarding
3 either Edward Cooper, Mr. Fletcher, or the investigation
4 of the Sorrell murder?

5 A. No.

6 Q. Okay. And do you personally know Detective
7 Bogucki or Detective Schalk?

8 A. Both of them, are you asking?

9 Q. Yes.

10 A. Yes. I know who they are, yes.

11 Q. Okay. And in what capacity do you know, let's
12 first say Detective Bogucki?

13 A. Yes. I know Jerry Bogucki. He's a detective
14 in my office.

15 Q. Okay. And did you -- actually, going back a
16 moment, within Area Five, did the detectives have
17 partners?

18 A. Most often, yes.

19 Q. Okay. And what was the process for partners
20 being either selected or assigned in Area Five?

21 A. It's usually just people who know each other
22 from earlier in their careers, and they make detectives,
23 and they're friends or whatever.

24 Q. Okay. And did you have a partner that you
25 paired up with from '96 to 2012?

1 A. I've had several partners, yes.

2 Q. Okay. And in and around 2002, did you have a
3 partner?

4 A. When exactly in 2002?

5 Q. Let's say April and May in 2002?

6 A. In April of 2002, I was working midnights.

7 Q. Okay.

8 A. I really didn't have a partner at that point.
9 We just kind of -- we had a skeleton crew of detectives.

10 Q. Okay. Was Detective Bogucki ever your
11 partner?

12 A. No.

13 Q. Okay. And was Detective Schalk ever your
14 partner?

15 A. No.

16 Q. Okay. And similarly with Detective Bogucki,
17 did you know Detective Schalk?

18 A. Yes.

19 Q. And in what capacity did you know Detective
20 Schalk?

21 A. Fellow detective from my office.

22 Q. Okay. When was the last time you spoke with
23 Detective Bogucki?

24 A. I haven't seen either one of those in over ten
25 years.

1 Q. Okay. Do you recall the last time you saw
2 Detective Bogucki?

3 A. I don't.

4 Q. Okay. And do you recall the last time that
5 you saw Detective Schalk?

6 A. Same thing for -- for Ray Schalk. I haven't
7 seen either one of those guys in ten years.

8 Q. Okay. And what was your opinion of Detective
9 Bogucki as a detective?

10 MR. BORKAN: Objection. Foundation. Objection
11 to form. My apologies.

12 MS. GARCIA: No worries.

13 BY MS. GARCIA:

14 Q. If you have an opinion.

15 A. He was a good detective.

16 Q. Okay. And what is your basis for that
17 opinion?

18 A. Just the amount of cases that they solved over
19 their careers.

20 Q. And outside of the number of cases they
21 solved, do you have any other basis for feeling that
22 Detective Bogucki was a good detective?

23 A. No.

24 Q. Okay. And similarly with Detective Schalk, do
25 you have an opinion as to whether Detective Schalk was a

1 good detective?

2 MS. WEST: Objection to form.

3 BY MS. GARCIA:

4 Q. You can answer, Mr. Gilger.

5 A. He was a good detective.

6 Q. Okay. And what is your basis for that belief?

7 A. Based on the amount of cases they solved.

8 Q. Okay. And is there any other basis, other
9 than the amount of cases that Detective Shalk solved,
10 for your opinion that he was a good detective?

11 A. No.

12 Q. Okay. I'm going to pull up what we'll call
13 Exhibit 4, I believe. And this is City-JF-00063.
14 Detective Gilger, have you seen this before?

15 (EXHIBIT 4 MARKED FOR IDENTIFICATION)

16 A. I have not.

17 BY MS. GARCIA:

18 Q. Okay. I'm going to give you a moment to
19 review.

20 A. Yeah. This is an evidence report submitted by
21 the crime lab guys.

22 Q. Okay. And is, "J. Gilger" at the bottom of
23 the page at where it says, "Beat Officer's Name"? Is
24 that referring to you, Mr. Gilger?

25 A. It is.

1 Q. Okay. And you would say that this -- you
2 believe this was generated by the technicians -- the
3 evidence technicians, correct?

4 A. Well, their name's on the bottom of it.

5 Q. Okay. And when an evidence technician was
6 submitting a report and you were, you know, named as the
7 beat officer, would you have to review the report that
8 they put together at all?

9 A. I have no idea where they made this report.

10 Q. Okay. So you haven't seen this report before?

11 A. No.

12 Q. Okay. One moment. I'm going to pull up what
13 I believe is the report that you reviewed. Okay.

14 MS. GARCIA: Is this Exhibit 5? I'm losing my

15 --

16 THE REPORTER: Yes.

17 MS. GARCIA: Thank you. So we'll call this
18 Exhibit 5. This is Bates City-JF-00064 to 00065.

19 (EXHIBIT 5 MARKED FOR IDENTIFICATION)

20 BY MS. GARCIA:

21 Q. Detective Gilger, is this the police report
22 that you referred to earlier as one of the two documents
23 you reviewed?

24 A. That's correct.

25 Q. Okay. And just for the record, at the bottom,

1 it says, "J." -- of the first page, it says, "J. Gilger"
2 with a "Star Number 12462." Mr. Gilger, is that your
3 star number?

4 A. It was in -- in 1990. Yes.

5 Q. Okay. Thank you for that clarification. And
6 next to the star number, there's a signature. Is that
7 your signature?

8 A. It is.

9 Q. Okay. Is this a report that you authored?

10 A. That's correct.

11 Q. Okay. And after reviewing this report
12 previously, was your recollection refreshed at all as to
13 the investigative work you did on December 21, 1990 with
14 regards to the Sorrell murder?

15 A. It didn't refresh my memory, no.

16 Q. Okay. Is there anything -- actually, strike
17 that. Do you have any reason to disbelieve any of the
18 information that's contained in this report?

19 A. That's what I was told.

20 Q. Okay. But what -- my question's just a little
21 bit different. So you authored this report, correct?

22 A. That's correct.

23 Q. Okay. And what was your process for authoring
24 reports? Reports such as this, rather?

25 A. Could you repeat the question?

1 Q. Sure. What was your process for authoring a
2 police report such as this?

3 A. Well, I -- I would just find out the person's
4 name who got killed, and the names of witnesses, and I'd
5 write them down in the report. And if there was a
6 description of the offenders, or a name of the offender,
7 I would list that also.

8 Q. Okay. And when talking to witnesses prior to
9 generating a report like this, would you -- did you take
10 notes contemporaneously?

11 A. No.

12 Q. Okay. So would it be fair to say that this
13 contains a fair summation of the investigative work that
14 you did on December 21, 1990?

15 A. That's correct.

16 Q. Okay. And along that line, after reviewing
17 this, do you have any reason to believe it's anything
18 other than truthful and accurate, as to the
19 investigative work you did on that date?

20 A. What I listed in the report is what I was
21 told, so I this is an accurate report.

22 Q. Okay. And so you when you say it's what you
23 were told, are you referring to what you were told from
24 the witnesses?

25 A. Yes.

1 Q. Okay. And when you were reviewing that, there
2 was nothing that you read that struck you as inaccurate?

3 A. Well, you're asking me -- I don't even
4 remember this case and you're asking me specific
5 questions about the -- what the witnesses, you know,
6 said or -- so I don't remember this case. So I'm just
7 going on what I'm reading in this report that I
8 generated.

9 Q. Okay. So you're not sure one way or another
10 if there's inaccurate information in this?

11 MR. BORKAN: Objection to form.

12 THE WITNESS: Everything I put in there is what
13 I thought was accurate.

14 BY MS. GARCIA:

15 Q. Okay. Let's move on to Exhibit -- actually,
16 strike that. Mr. Gilger, as a patrol officer, did you
17 ever participate in a lineup of potential suspects?

18 A. As a -- as a filler in a lineup?

19 Q. No. As someone who helped conduct a lineup of
20 potential suspects.

21 A. In my -- in my detective career?

22 Q. Either in your detective career, or your
23 career as a patrol officer?

24 A. Yeah, I -- I worked on several lineups.

25 Q. Okay. And can you describe what a lineup is

1 in terms of, you know, within the context of Chicago
2 Police Department?

3 A. Well, it's usually a minimum of four people
4 who meet the same demographics, and -- and they're
5 viewed by witnesses to a potential crime. Which -- and
6 one of the -- the -- the -- one of the fillers in the
7 lineup will -- will possibly be the suspect.

8 Q. Okay. And do you recall the process for
9 selecting people who would be fillers for a lineup?

10 A. Yes.

11 Q. And can you expand on that process for me?

12 A. Well, I think I just said that we get people
13 with the same demographics and race, height, sex.

14 Q. Okay. And more specifically, where would
15 those people come from? For example, was there some
16 sort of database you're utilizing? Was it based on some
17 sort of -- actually, strike that. Going back, when
18 you're picking out people who would be fillers, where
19 were you pulling those fillers from?

20 MS. WEST: Objection to form. You can answer.

21 THE WITNESS: Okay. Generally, sometimes in
22 the 25th District lockup, there would be people in
23 the lockup who might be -- meet the same
24 demographics as the -- the suspect. So we -- we
25 would -- we would use them.

1 BY MS. GARCIA:

2 Q. Okay. And so other than folks who were in
3 lockup, was there other places that you would pull
4 fillers from?

5 A. That's usually, you know, 95, 99 percent of
6 the time.

7 Q. And that 1 percent of the time where you
8 didn't, was there some sort of database or some other
9 source that you would pull fillers from?

10 A. Might use -- you know, we used like other
11 officers, you know, but they would be -- they wouldn't
12 be in uniform. They would be in plain clothes. So we
13 would use possible, you know, police officers.

14 Q. Okay.

15 A. Who might -- who might meet that demographic.

16 Q. Okay. And within Area Five, was there a
17 specific place that lineups were held?

18 A. Yes.

19 Q. And where was that?

20 A. There was a lineup room which had a -- a one-
21 way mirror in -- in the room.

22 Q. And then I would assume you would have the
23 suspects on one side and then the witnesses and the
24 officers on the other side?

25 A. Well the -- you mean the -- the fillers, you

1 mean?

2 Q. Yes.

3 A. Of the -- so the witnesses on one side and the
4 fillers and line up on the other side. Yes.

5 Q. Okay. And once you had the fillers on one
6 side and then the witnesses and the other, what was the
7 process for having the witnesses review it to see if any
8 of the fillers were someone that they recognized?

9 MS. WEST: Objection to form.

10 MR. BORKAN: Objection to form.

11 THE WITNESS: We would have them either
12 standing or seated, dressed -- dressed alike if --
13 if possible.

14 BY MS. GARCIA:

15 Q. Okay. And so when you would start the lineup
16 process, would there be someone who would be giving
17 instructions to the fillers and to the witnesses?

18 A. There was -- most often there would be a
19 detective in the lineup room who would be giving the --
20 the fillers instructions as to stand up, and then they
21 would step over towards the mirror. And there would be
22 a light on in the room, and one by one, the -- all the
23 fillers would stand and do the same thing.

24 Q. Okay. And was it a process that would be
25 repeated generally one time, or multiple times per

1 lineup?

2 A. Per witness, it would be once.

3 Q. Okay. And when there was multiple witnesses
4 who were viewing a lineup, would those witnesses be in
5 the room together?

6 A. No, they --

7 MR. BORKAN: Objection to form.

8 BY MS. GARCIA:

9 Q. Sorry. You can answer.

10 A. They would be -- they would be separate.

11 THE REPORTER: And what was that objection
12 really quick?

13 MR. BORKAN: Objection to form.

14 THE REPORTER: Thank you.

15 MS. GARCIA: Okay. I'm going to share what
16 we'll call Exhibit 6, and this is going to be

17 Bates IND DEF 0000936 to 0000940. This is a
18 batch exhibit with a number of photographs. So I'm just
19 going to scroll through this for you, Mr. Gilger, and
20 then ask a few questions. Okay. My first question is:
21 Do you recognize any of the people in these photographs?

22 (EXHIBIT 6 MARKED FOR IDENTIFICATION)

23 A. No, I don't.

24 BY MS. GARCIA:

25 Q. Okay. And do you recognize which person, if

1 any of these folks, is James Fletcher?

2 A. I don't know who James Fletcher is. No.

3 Q. Okay. And do you recall the setting in which
4 this photo was taken?

5 MS. WEST: Objection to foundation.

6 MR. BORKAN: Objection to form.

7 THE WITNESS: This is a picture taken by
8 someone from the crime lab after a lineup is
9 conducted.

10 BY MS. GARCIA:

11 Q. Okay. And is this picture -- is the place
12 this picture was taken located in Area Five?

13 A. It is.

14 Q. Okay. Where in Area five was this located?

15 A. Right adjacent to the lineup room.

16 Q. And you said this would be a picture that
17 someone from the crime lab would take after a lineup was
18 conducted?

19 A. Or -- or an evidence technician. Probably it
20 was an evidence technician, I'm guessing.

21 Q. Okay. And what was the purpose for taking the
22 photograph in this room after the lineup was conducted?

23 A. It was just for records of what -- what was
24 viewed in the lineup, of what the witnesses possibly
25 viewed in the lineup.

1 Q. Okay. And was this -- during your time in
2 Area Five, was this the room that these post lineup
3 photos would generally be taken in?

4 A. Are you asking me if I was there or...

5 Q. Not for this one. I'm just speaking, you
6 know, as a detective who had experience within Area
7 Five. I'm asking more broadly. After lineups were
8 conducted and photographs were taken for evidentiary
9 purposes, was this the room in which these photos were
10 generally taken?

11 A. You know, 99 percent of the time, yes.

12 Q. Okay. And if they weren't taken in this room,
13 was there other rooms, and that 1 percent of the time
14 that photograph would be taken?

15 A. It -- you know, maybe because there might be
16 people out on -- on -- you know, witnesses on the floor,
17 on other cases. So they might have taken a picture
18 inside the lineup room.

19 Q. Okay. And you said that this is adjacent to
20 the lineup room, correct?

21 A. That's correct.

22 Q. Would it -- and if -- it might be hard to see,
23 but in the background of the picture, there's a door. Do
24 you see that? I can zoom in on it.

25 A. Yeah, I can see it.

1 Q. Okay. And if you can recall, was this the
2 door through which you would get to the lineup room?

3 A. No.

4 Q. Okay. Where in this photo, you know, in terms
5 of directions left, right, forward, back was the lineup
6 room located?

7 A. Well, looking at the picture, the subject on
8 the far right, if he were -- if -- if someone were to
9 walk from his direction -- from his direction, towards
10 the left, he would come around to a door, and that's
11 where the lineup -- that's where the witnesses would
12 view the lineup.

13 Q. Okay. So if we're looking at the picture, it
14 would be somewhere off to the right, but if we're
15 looking from the perspective of the witness on the far -
16 - the filler on the far right, it'd be to his left,
17 correct?

18 A. Yeah. The -- the actual lineup room is right
19 behind where these subjects are standing.

20 Q. Okay, great. So then -- and I apologize, I'm
21 going to sound like a broken record, but do you recall
22 attending any lineups related to the Sorrell
23 investigation?

24 A. No.

25 Q. Okay. And specifically, do you recall

1 attending a lineup on April 20, 2002 related to the
2 Sorell investigation?

3 A. No.

4 A. Okay. I'm going to introduce what should be
5 our last exhibit, which we'll call Exhibit 7. And this
6 is Bates Fletcher 007074 to 007079. And I'm not going
7 to make you review this entire thing, but I'll represent
8 to you that this is the lineup report of the lineup
9 taken on April 20, 2002. And my question is
10 specifically about Page 4 of this report. Under,
11 "Personnel Assigned," there is a line that says,
12 "Reporting Officer." And under that it says, "James G
13 Gilger, 21151, Beat 1513." Do you see that?

14 (EXHIBIT 7 MARKED FOR IDENTIFICATION)

15 A. I do.

16 BY MS. GARCIA:

17 Q. Okay. I'm not going to ask you again if you
18 recall this lineup, because you said you haven't, but
19 within the context of a lineup report and you being
20 named as the reporting officer, is that indicative of
21 you being present, or is that indicative of you being an
22 officer who had worked on the case prior?

23 A. Well, it's got my star number, but it's got my
24 beat number as 1513. And that's the beat I had when I
25 was -- when this murder happened.

1 Q. Okay. So and I'll go down to the last page.
2 Actually, the second to the last page where it says,
3 "Lineup Taken," and under it says, "Detective Shalk and
4 persons conducting lineup, Det. J. Bogucki and Det. R.
5 Shalk." Have you filled out a lineup report similar to
6 this as a detective?

7 A. Sure.

8 Q. Okay. And when listing, you know, who was
9 present, if there was a detective present who may not
10 have been the person, you know, asking the suspects to
11 step forward or the fillers to step forward, would you
12 have put their name down in this area of the narrative?

13 A. If they took an active role in conducting the
14 lineup, yes. I would've put their name down.

15 Q. Okay. And so I guess my question is: Is it
16 possible that you were present, but your name wasn't put
17 down in this narrative?

18 A. Well, anything's possible. I was a detective
19 in 2002, but I was working midnights at the time.

20 Q. Okay.

21 A. This -- this lineup was done at 11:35 in the
22 morning. I was off duty.

23 Q. Okay. But regardless of whether or not you
24 were present, you don't recall being -- you don't recall
25 witnessing this lineup, correct?

A. I wasn't there. I don't recall.

Q. Okay. And outside of the Sorrell investigation, and obviously the deposition today, does the name James Fletcher indicate anything to you?

A. Like I said before, I don't know who James Fletcher is.

Q. Okay. Do you know someone named David Wilson?

A. No.

Q. Do you know someone named Henry Cox?

A. No.

Q. Do you know someone named John Smith?

A. No.

Q. Do you know someone named Dwayne Simmons?

A. No.

Q. Do you know someone named Arnold Dixon?

A. No.

Q. Okay. And outside of the December 21, 1990 date, do you recall having any interaction with Sheenee Friend?

A. Outside of the day of the murder?

Q. Yes.

A. No.

Q. Do you recall having any interaction with Edward Cooper outside of the day of the murder?

A. No.

1 Q. Do you recall having any interaction with
2 Terry Rogers outside the day of the murder?

3 A. No.

4 Q. And do you recall having any interaction with
5 Emmett Wade outside the day of the murder?

6 A. No.

7 Q. Okay. And have you spoken to either Defendant
8 Bogucki or Schalk regarding this case at all since --
9 actually, strike that. Do you recall speaking with
10 Defendant Bogucki about either the Sorrell investigation
11 or the prosecution of James Fletcher?

12 A. No.

13 Q. Do you recall speaking with Detective Schalk
14 about either the Sorrell investigation or the James
15 Fletcher prosecution?

16 A. No.

17 Q. Do you recall speaking with Anthony Wojcik
18 about either the Sorrell investigation or the Fletcher
19 prosecution?

20 A. No.

21 Q. Okay. And do you recall speaking to Detective
22 Anthony Noraden about the -- either the Sorel
23 investigation or the Fletcher prosecution?

24 A. No.

25 Q. Okay. And outside of the report that you

1 generated, do you recall any other information regarding
2 either the Sorrell investigation or the prosecution of
3 James Fletcher?

4 A. No.

5 MS. GARCIA: Okay. I don't have any other
6 questions. Thank you.

7 CROSS-EXAMINATION

8 BY MS. WEST:

9 Q. Sir. I have a couple questions, but first,
10 would you like to take a break?

11 A. No, I'm fine.

12 Q. Okay.

13 A. You can continue.

14 Q. Okay. I just have a few questions and follow
15 up. Like I said before, my name's Allyson West. I
16 represent the individual defendant officers in this
17 lawsuit.

18 A. Yes.

19 Q. Counsel previously showed you a document which
20 you said you reviewed prior to your deposition. It was
21 the original case report, which -- let me show you one
22 that I have, and we'll mark it as Individual Defendants'
23 Exhibit 1, just because I have different Bates range
24 than what Counsel for Plaintiff had. Bear with me. All
25 right. And for the record, the document that I have is

1 IND DEF 001410 through 001411. Sir, as you previously
2 testified, your name and signature is on the bottom of
3 this first page, 001410; is that right?

4 (DEFENDANT'S EXHIBIT 1 MARKED FOR
5 IDENTIFICATION)

6 A. That's correct.

7 BY MS. WEST:

8 Q. Okay. In December of 1990, did you have a
9 partner that you regularly worked with?

10 A. You know, I -- I -- I did, but since we were
11 working the day shift, they -- they put most of us in
12 one-man cars.

13 Q. Okay.

14 A. But I was by myself that morning based on the
15 -- the reading the report.

16 Q. Okay. And based on the reading of this
17 report, and please tell him if you'd like me to scroll
18 down, can you identify the witnesses that you spoke with
19 on December 21, 1990?

20 A. Well, based on what I wrote here, you know,
21 that's who I spoke to, yes.

22 Q. Okay. So you spoke with Sheenee Friend, or
23 Sheenee Friend?

24 A. Well, I -- I got it -- her name spelled
25 differently, but I -- you know, it could have been my

1 mistake.

2 Q. Okay. And -- but you do have that individual
3 listed -- an individual with the last name Friend listed
4 as a witness you spoke to on the scene; is that correct?

5 A. That's correct. That's correct.

6 Q. And another individual that you have listed
7 that you spoke with on the scene was Emmett Wade. Do
8 you see that?

9 A. I do.

10 Q. Okay. And the body of your text in the
11 narrative section, is that your handwriting?

12 A. Oh, yes.

13 Q. Okay. Both on the first page and the second
14 page, sir?

15 A. That is correct.

16 Q. Okay. Typically, when would you have filled
17 out a report like this?

18 A. As -- as soon -- upon arrival at the scene.

19 Q. While you were still at the scene, typically,
20 would you have been directed to a detective that was
21 handling a homicide investigation such as this while
22 you're still on the scene?

23 A. Well, I probably wasn't looking for him. He
24 was probably more looking for me. I'd get my name and
25 my information for his -- for his report.

1 Q. Mr. Gilger, can you tell, based on the
2 documents that you reviewed in preparation for your
3 deposition today, if you had any other involvement in
4 the Sorrell investigation, other than what was
5 documented in this original case report?

6 A. If I was involved in any other part of the
7 case, I definitely would be listed as like an assisting
8 detective, or assisting arresting officer, or possibly -
9 - you know, those are the two scenarios I could foresee.

10 Q. Okay. And again, and I know Counsel's asked
11 you this repeatedly, you have no independent
12 recollection of the Sorrell investigation, sir; is that
13 correct?

14 A. I don't. I don't.

15 MS. WEST: Okay. Those are all the questions I
16 have for you. Thank you.

17 THE WITNESS: Thank you.

18 MS. HARRIS: I don't have any questions here.

19 MS. GARCIA: I don't have any follow up unless
20 you do, Mr. Borkan.

21 MR. BORKAN: No. No questions for me, thank
22 you.

23 THE REPORTER: Okay. Thank you. Are we
24 reserving or waiving signature today?

25 MR. BORKAN: I will -- I think we can waive

1 signature. I don't believe that there's any
2 necessity here.

3 THE REPORTER: Okay.

4 MR. BORKAN: With respect to names, or other
5 questions that didn't come out clearly where, you
6 know, there might be an issue of numbers, 5-0 versus
7 1-5 and that sort of thing, so --

8 THE REPORTER: Okay.

9 MR. BORKAN: -- no, I don't it's necessary to
10 reserve signature.

11 THE REPORTER: Thank you. And Mariah, would
12 you like a copy of the transcript today?

13 MS. GARCIA: No, I'm okay.

14 THE REPORTER: Okay.

15 MS. GARCIA: Courtney, just remind me what your
16 e-mail is so I can send you the exhibits.

17 THE REPORTER: Okay. Give me one second. Let
18 me finish going through the orders really quick, and
19 I'll give it to you.

20 MS. GARCIA: Oh, sorry. Sorry.

21 THE REPORTER: Steve, would you like a copy of
22 the transcript today?

23 MR. BORKAN: No. Thank you.

24 THE REPORTER: Allyson, would you like a copy?

25 MS. WEST: No. Thank you.

1 THE REPORTER: And Dhaviella, would you like a
2 copy?

3 MS. HARRIS: No. Thank you.

4 THE REPORTER: Okay. We are off the record at
5 1:00 p.m. Central Time.

6 (DEPOSITION CONCLUDED AT 1:00 P.M. CT)
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1 CERTIFICATE OF REPORTER

2 STATE OF ILLINOIS

3
4 I do hereby certify that the witness in the foregoing
5 transcript was taken on the date, and at the time and
6 place set out on the Title page hereof, by me after
7 first being duly sworn to testify the truth, the whole
8 truth, and nothing but the truth; and that the said
9 matter was recorded digitally by me and then reduced to
10 typewritten form under my direction, and constitutes a
11 true record of the transcript as taken, all to the best
12 of my skill and ability. I certify that I am not a
13 relative or employee of either counsel and that I am in
14 no way interested financially, directly or indirectly,
15 in this action.

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KORTNEY CHASE,

COURT REPORTER/NOTARY

MY COMMISSION EXPIRES: 09/24/2025

SUBMITTED ON: 01/11/2024

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